

II. JURISDICTION AND VENUE

3. This Court has federal jurisdiction over this suit under 28 U.S.C. § 1338, as it arises from Camp Worth's infringement of copyrighted documents.

4. Venue is proper in the United States Southern District of Texas pursuant to 28 U.S.C. § 1391(b)(1) because Camp Worth resides in this district. Camp Worth in or near Fort Worth, Texas.

III. BACKGROUND AND ASSERTION OF FACTS

5. Five Oaks is a residential treatment center dedicated to providing quality education and behavioral treatment services to special needs children who have been placed by school districts, agencies, or families.

6. On or about April 6, 2001, Craig Bibb ("Mr. Bibb") was hired as president, manager, and chief executive officer ("CEO") of Five Oaks.

7. Mr. Bibb served as president and CEO of Five Oaks until he quit in December of 2017.

8. While president of Five Oaks, Mr. Bibb made sure Five Oaks copyrighted several of the documents it had developed to run its business.

9. Upon information and belief, Mr. Bibb began working at another residential treatment facility—Camp Worth—at the same time he was still employed with Five Oaks. Mr. Bibb continues to work for Camp Worth to this day.

10. Camp Worth obtained copyrighted documents and papers for use as its policies and procedures through its agent—Mr. Bibb. Upon information and belief,

Camp Worth knowingly used the copyrighted documents to develop and use as its own policies and procedures.

IV. CAUSES OF ACTION

Copyright Infringement under 17 U.S.C. § 501(b) and 17 U.S.C. § 106(2).

11. Five Oaks incorporates by reference all the above paragraphs.

12. 17 U.S.C. § 501(b) governs copyright infringement actions and allows the owners of a copyright to institute an action for its infringement.

13. 17 U.S.C. § 106(2) states that the owners of copyright have the exclusive rights to do and authorize “[the preparation of] derivative works based upon the copyrighted work.”¹ Camp Worth violated 17 U.S.C. § 106(2) when it knowingly used the copyrighted documents of Five Oaks in order to develop and prepare derivative works—namely the Policies and Procedures of Camp Worth—without permission from Five Oaks.

14. Camp Worth used the copyrighted documents knowingly. Camp Worth knew that Mr. Bibb obtained the documents from Five Oaks without permission and proceed to use them regardless of the fact they were copyrighted documents.

15. Upon information and belief, Camp Worth used the copyrighted documents of Five Oaks for its own purposes and has infringed upon these copyrights as well. This harmed Five Oaks in an amount to be determined by the jury.

¹ 17 U.S.C. § 106(2).

V. ATTORNEY'S FEES

16. Five Oaks requests all costs and reasonable and necessary attorney's fees incurred by or on behalf of Five Oaks herein, including all fees necessary in the event of an appeal to the Court of Appeals or Supreme Court of Texas, as provided by 17 U.S.C. § 505.

VI. JURY DEMAND

17. Five Oaks asserts its rights under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

VII. PRAYER

WHEREFORE, premises considered, Plaintiff Five Oaks Achievement Center, LLC respectfully request that Defendant Camp Worth, LLC be cited to appear and answer, and that it be awarded a judgment under against Defendants and be awarded:

1. Actual damages;
2. Statutory damages;
3. Reasonable attorney's fees;
4. And any such other legal or equitable relief the court deems appropriate.

Respectfully submitted,

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